FD-36 (Rev. 5-22-64)

FBI

Date: 10/27/69

Transmit the following in _____ (Type in plaintext or code)

Via Airtel (Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) (P)

SUBJECT: MURKIN

Enclosed for the Bureau are two copies each of a letter dated 10/13/69 from H. ROWAN GAITHER, Department of State, Washington, D. C., to District Attorney General PHIL M. CANALE, JR., Memphis, Tennessee, and Mr. CANALE's reply to Mr. GAITHER, dated 10/14/69, by means of which Mr. CANALE forwarded to the Department of State the original, certified copy of the transcript of the proceedings in the JAMES EARL RAY extradition case. Other documents which were also forwarded with enclosed letter are described in Mr. CANALE's letter.

cc: AAG Civil Rights Division
Form 6-94 (5)

OCT 29 1969
CIVIL RIGHTS UNIT

(2) - Bureau (Encls-4)
2 - Memphis

EX 104

JCH:lfm

(4)

REC-6

OCT 29 1969

70 NOV 12 1969

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

DEPARTMENT OF STATE

Washington, D.C. 20520

October 13, 1969

Honorable Phil M. Canale, Jr.
District Attorney General
Fifteenth Judicial Circuit
Shelby County Office Building
Memphis, Tennessee 38103

Dear Mr. Canale:

Regarding our telephone conversation of last week, I wish to request your office to transmit to the Department of State the original certified copy of the transcript of the proceedings in the James Earl Ray extradition case before the Bow Street Court, London, in July of 1968. Insofar as that court is concerned, that transcript was intended for delivery to the Department of State. It was apparently handed to the agents of the United States who escorted Ray from the United Kingdom to the United States.

You have indicated that a certified copy of this transcript is in your possession and I request that it be transmitted directly to the Department of State by registered mail. Upon receipt, I will obtain a photographic copy of the documents which I will transmit to you. This photographic process will not require the breaking of the seals.

Thank you very much for your cooperation in this matter.

Sincerely yours,

H. Rowan Gaither

H. Rowan Gaither
Attorney
Office of the Legal Adviser

ENCLOSURE

RHODES
E ASSISTANT

WILLIAM D. HAYNES
DMINISTRATIVE ASSISTANT

JOHN L. CARLISLE
M. J. PEACH
E. L. HUTCHINSON, JR.
CLYDE R. VERSON
CRIMINAL INVESTIGATORS

EARL E. FITZPATRICK
NON-SUPPORT DIVISION

PHIL M. CANALE, JR.
DISTRICT ATTORNEY GENERAL
FIFTEENTH JUDICIAL CIRCUIT OF TENNESSEE
COUNTY OF SHELBY

SHELBY COUNTY OFFICE BUILDING
157 POPLAR AVENUE
MEMPHIS, TENN. 38103

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DON D. STROTHER
DON A. DING
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HARVEY HERRIN
F. GLEN GIBSON
JOHN W. PIEROTTI
JAMES G. HALL
JAMES H. ALLEN

October 14, 1969

Mr. H. Rowan Gaither
Attorney
Office of Legal Advisor
Department of State
Washington, D. C. 20520

Dear Mr. Gaither:

In response to your request contained in your letter to me of October 13, 1969, I am forwarding to you and enclosing herewith the original, certified copy of the transcript of the proceedings in the James Earl Ray extradition case before the Bow Street Court, London, in July of 1968.

There was also delivered to this office three (3) additional official papers of a single page each, two of these being warrants of apprehension, and the third appearing to be a mittimus to the Governor of Her Majesty's prison at Wandsworth. I am also enclosing these three papers in case you have any need for them.

I have made copies of these three single sheets for my file, and will await your sending me a copy of the transcript of the extradition proceedings when you make same.

Sincerely yours,

PHIL M. CANALE, JR.
District Attorney General

PMCJr:MEF
Enclosures

AIRMAIL, REGISTERED
RETURN RECEIPT REQUESTED

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (44-38861)

DATE: 10/29/69

FROM : Legat, London (88-72) (RUC)

SUBJECT: MURKIN

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

Attached is one copy each of State Department telegrams dated 10/24/69 and 10/28/69 concerning the request by JAMES EARL RAY for documents prepared in connection with his extradition hearings in London.

(3) - Bureau (Encls. 2)
1 - Liaison
1 - London
JTM:cm
(5)

ENCLOSURE

Rec: Admin. Rights Division
Form 604 (5-64)
Rec: AAG Criminal Division
Form 604 (5-64)
NOV 6 1969
FEDERAL RIGHTS UNIT

584

NOV 1 1969

NOV 18 1969

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108-02

Amembassy London

IN TELEGRAM

LIMITED OFFICIAL USE

INFO/ACTION: CGID

FROM: State

NO: 180320

RECD: OCT 24 1969 4:07 PM

INFO:
OPS-2
SS
WIN
PED
P:VIN
CCA
CS-4

POL
POL:INT
POL:EX
POL:EX:E
POL:EX:A
POL:EX:F
POL:EX:N
POL:M
POL:L

E:OPN-2
E:EN
E:C
E:CI
E:AID
E:SCI
E:ABC
E:TRC
E:FAA
E:AG
E:TCEN
E:CUS
E:IRS
E:LE

ADMIN
A:DEP
A:BF
A:GS
A:TU
A:VIS
A:COMM
A:PER
A:SY
ITO-3

IG:D
IG:P
IG:S
IG:V

M-2
MO-3
CRIKE

TRVD
ISTER
CONTROL
2918

DE RUEHC 180320 2971501
ZNY CCCCC ZZH
R 241441Z OCT 69
FM SECSTATE WASHDC
TO AMEMBASSY LONDON 8347
BT

LIMITED OFFICIAL USE STATE 180320

SUBJECT: EXTRADITION: JAMES EARL RAY

REF: LONDON'S 7516

UNITED KINGDOM

DOCUMENTS SUPPORTING EXTRADITION REQUEST INCLUDE AFFIDAVITS NOT REPRODUCED IN TRANSCRIPT. WE UNDERSTAND THAT SUCH AFFIDAVITS NOT AVAILABLE TO PUBLIC IN UK BY COURT POLICY OR PROCEDURE. BOTH RAY AND PRIVATE WRITER HAVE REQUESTED AFFIDAVITS, AND FURNISHING TO EITHER OR BOTH COULD RESULT THEIR PUBLICATION HERE. AFFIDAVITS PART OF INVESTIGATIVE FILES IN JUSTICE AND THEREFORE MAY BE WITHHELD UNDER FREEDOM OF INFORMATION ACT BUT STATE DEPARTMENT HAS NO SUCH BASIS WITHHOLD. BEFORE DECISION, HOWEVER, WOULD LIKE EMBASSY CHECK WITH BOW STREET COURT AND REPORT THEIR AND EMBASSY VIEWS ON RELEASE.

ROGERS

LIMITED OFFICIAL USE

TELEGRAM

Foreign Service of the United States of America

OUTGOING AmEmbassy LONDON

LIMITED OFFICIAL USE
Classification

Charge: Code: 8797

Date: Oct 23, 1969
1602Z

E:LE
CRS-2
AMB
MIN
PAO
E:MIN
CCA
POL
POL:INT
POL:EX
E:GEN-2
E:CUS
E:LE
CG:D
SUPVR
MASTER
18c/dzf

ACTION: SecState WASHDC 3841

LONDON 8797

SUBJECT: EXTRADITION: James Earl RAY

REF: State 180320

1. As far as British law is concerned Bow Street Court is of opinion that Ray has right to have affidavits taken in U. S. and received in hearings at London last year. Bow Street official states he believes copies of these affidavits were given to defense after proceedings here were completed. He assumed documents were transmitted to Hanes in U. S. When informed giving affidavits to Ray might result in their publication, he repeated that Ray, as defendant, had every right to the affidavits, which he understood could include Ray's making them available to others if he chose to do so.

2. While Department correct that affidavits not available to public in U.K., this policy does not apply to party in the proceeding who could publish it if he wished. Thus were Ray to have made request for documents, court would have released them. Court would not, rpt, not release to writer or any third party.

Drafted by: Legal Office
Dept. of State: Gaither

Concurrence: CG/D:WWFisher:mtc

Approved by: CG/D:WWFisher

LIMITED OFFICIAL USE
Classification

TELEGRAM

Foreign Service of the United States of America

OUTGOING AmEmbassy LONDON

LIMITED OFFICIAL USE

Charge: 8797

- 2 -

3. Embassy has obtained views of Foreign Office and Home Office which concur with those of Bow Street Court. Both agree matter of publication would be up to Ray.

4. Since both Court and Home Office would have granted request by Ray for documents, Embassy of view that it would be awkward not to release documents to Ray. Embassy would not, rpt, not support giving documents to writer.

5. Foregoing has been coordinated with Gaither.

WELD

WHG

Drafted by

Concurrence

LIMITED OFFICIAL USE